

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
JOHNSTOWN DIVISION**

ANTHONY J. ZANGHI, *et al.*,

Plaintiffs,

v.

FREIGHTCAR AMERICA, INC., *et al.*,

Defendants.

No. 3:13-CV-00146

Hon. Kim R. Gibson

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

FreightCar America, Inc. (“FreightCar”) hereby requests leave to file its Second Amended Complaint. Leave should be granted to allow FreightCar to withdraw and amend certain pleading allegations the Court deemed were “judicial admissions.” As set forth in the accompanying brief, there is good cause for allowing FreightCar leave to amend. Furthermore, Plaintiffs will not be prejudiced by FreightCar’s proposed amended complaint.

WHEREFORE, FreightCar America, Inc., respectfully requests that this Court grant it leave to file its Second Amended Complaint, a copy of which has been submitted to the Court as an exhibit to FreightCar’s brief in support of this motion.

Dated: April 28, 2015

Respectfully submitted,

/s/ Samuel P. Myler

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service have been served with a copy of the foregoing document via the Court's CM/ECF system this 28th day of April, 2015. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Samuel P. Myler

Samuel P. Myler